

DIST/OFFICE	DOCKET	FILING DATE	J	N/S	O	R	23	\$	OTHER	JUDGE	JURY	DOCKET	
YR.	NUMBER	MO.	DAY	YEAR						NUMBER	DEM.	YR.	NUMBER
1085/4	76	0404	07	28	7	3	4	0		8509 8510	P	76	0404-B BT

JUDGE BRETT

PLAINTIFFS

DEFENDANTS

JERRY D. SMITH

B

GEORGE CURTIS, individually and in his official capacity as Mayor of the City of Miami, Oklahoma; NEIL NORTON, STEVE WALKER, BYRON WYATT, and GEORGE GUINN, individually and in their official capacity as members of the City Council, City of Miami, Oklahoma; and JAMES WOOLEY in his capacity as City Attorney for the City of Miami, Oklahoma; William Melton, Chief of Police of Miami, Oklahoma

CAUSE

28 U.S.C. §1343 (3) and 42 U.S.C. §1983, and 28 U.S.C. §1331. Civil action to redress the deprivation under color of State law or Ordinance of rights, privileges, and immunities secured by U.S. Constitution and Laws, to-wit: wrongful termination of pltf's employment & infringement on constitutional rights.

ATTORNEYS Ben T. Owens

Fred H. DeMier
507 First National Bank Bldg.
Miami, OK 74354
542-5547

Ottawa County Ct hse.

John R. Wallace (for Norton, Walker Wallace & Owens & Wyatt)
P. O. Box 1168
Miami, Ok. 74354 (542-5501)

Charles C. Chesnut (George Guinn)
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Jms. Thompson Wm. Melton
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Ronald B. Stockwell
GARRETTE, STOCKWELL & MILLER
P. O. Box 1245
Miami, Okla. 74354 542-5547

☐ CHECK
HERE
IF CASE WAS
FILED IN
FORMA
PAUPERIS

FILING FEES PAID

DATE

RECEIPT NUMBER

C.D. NUMBER

STATISTICAL CARDS

CARD

DATE MAILED

JS-5

08-01-76

JS-6

8-1-80

B
PROCEEDINGS

DATE 1976	NR.	
7-28 8-3	1.	Complaint, filed. Summons issued. <u>JURY TRIAL DEMAND.k</u> Summons, ret. & filed: served George Curtis, William Melton, James S. Wooley, George Guinn, Byron Wyatt, Steve Walker & Neil Norton, all at Miami, Ok. on 7-29-76. (USM \$43.80)g
8-17	2	Answer of Neil Norton, Steve Walker & Byron Wyatt, filed. g
8-18	3.	Ans. of Deft. George Guinn, fld. v
8-18	4.	Ans. of Defts. George Curtis, James Wooley and William Melton, fld. v
10-18	MO	Parties are directed to hold PT conf. on or before 11-29-76 & file PT Order on or before 12-6-76. (AEB-J)k cps by cert ml
11-18		Subpoenae, ret. & filed: served Dean Fox, Jim Green, Gary Ice, William Melton, George Guinn, Byron Wyatt, Neil Norton, Steve Walker and Geo. Curtis, all at Miami, Ok. on 11-17-76. g
12-14		Deps. of James S. Wooley, Bill Melton, James Green, Dean Fox, Gary Ice Neil Norton, Byron Wyatt, George Guinn and George Curtis taken on behalf of pltf on 11 & 18/11/76 and 6/12/76 by G. C. Freeman, Jr. (CSR), filed. lm
12-23	5.	Pltf's appli. for ext. of time to and thru' 1-20-77, filed. lm (o to J)
12-27	6.	Order, filed, granting pltf. to 1/20/77 to submit PT order. (AEB-J)rm copies mailed
5-6-77 5-6	7 MO	Pltf. mot. for S/J. with brief, Exhibit "B" is in vault. fld. ho It is ordered by the Ct. that the Defts. file a responsive brief w/in 10 days to Pltf. mot. for S/J. (AEB-J) cps mld. ho
5-16	8	Response of Defts. Neil Norton, Steve Walker and Byron Wyatt individually to Pltfs. mot. for S/J & mot. for S/J of Defts. Neil Norton, Steve Walker and Byron Wyatt in their individual capacities. fld. ho
5-16	9	Brief of Defts. Neil Norton, Steve Walker, Byron Wyatt in supp. of response to Pltfs. mot. for S/J and Defts. mot. for S/J. fld. ho
5-18	10	Order, filed, granting. deft. Guinn until 5-28-77 to respond to pltf's motion for S/J. (AEB-J)k cps mld
5-19	MO	It is ordered by the Ct. that the Pltf. file a responsive brief w/in 10 days to Defts. Norton, Walker & Wyatt, mot. for S/J. (AEB-J) cps mld. ho
5-19	11	Defts. mot. for enlargement of time w/in which to respond to Pltfs. mot. for S/J. fld. O to J. ho
5-19	12	Order, fld. granting Defts. mot. for ext. of time to respond to Pltfs. mot. for S/J. until 5-26-77. (AEB-J) cps mld. ho
5-23	13.	Response of deft. William Melton, Chief of Police of Miami, Okla. to pltf's motion for S/J, and motion for S/J of deft. Wm. Melton, filed. lm
5-23	14.	Brief of deft. Wm. Melton, Chief of Police of Miami, Okla. in support of response to Pltf's motion for S/J, and said deft's motion for S/J, filed. lm
5-26	15	Response of deft. James S. Wooley to plaintiff's motion for summary judgment and motion for summary judgement of defendant James S. Wooley in his individual capacity, w/brief, filed. lm
5-26	16.	Response of deft. George W. Curtis to pltf's motion for S/J and motion for S/J of deft Curtis in his individual capacity, filed w/brief. lm
5-26	17.	Response of defts Curtis, Norton, Wyatt, Walker, Guinn, as members of the city council, Miami, Okla; James Wooley as City Atty., and Wm. Melton as Chief of Police, Miami, Okla, and defts' motion for S/J and/or motion to dismiss in official capacities, and brief.

JUDGE BARROW

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
JERRY D. SMITH		GEORGE CURTIS, et al	PAGE _____ OF _____ PAGES
DATE	NR.	PROCEEDINGS	
5-27-77	MO.	It is ordered by the Court that pltf respond to the motions for S/J filed by Wm. Melton, James S. Wooley, George W. Curtis, Neil Norton, Byron Wyatt, Steve Walker, and George Guinn within ten days from this date. (AEB-J)lm ltrs mld.	
5-31	18	Pltf. response, cross mot. of S/J of the Defts., Norton, Walker & Wyatt fld. ho	
5-31	19	Pltf. brief in supp. of the response to Defts., Norton, Walker & Wyatt, for cross mot. of S/J. fld. ho	
6-2	20	Deft. George Guinn, individually response to Pltf. mot. for S/J & mot. for S/J of Deft. George Guinn in his individual capacity. fld. ho	
6-2	21	Deft. George Guinn brief in supp. of response to Pltf. mot. for S/J and Defts. mot. for S/J. fld. ho	
6-2	MO	It is ordered by the Ct. that the Pltf. file a responsive brief w/in 10 days to Deft. George Guinn mot. for S/J. (AEB-J) cps mld. ho	
6-6	22	Pltf. Jerry D. Smith, response to Defts. Curtis, Norton, Wyatt, Guinn, Walker, Wolley & Melton for a mot. for S.J and or Mot. to dismiss. fld.	
6-6	23	Pltf. Jerry D. Smith, brief in supp. of response to Defts. mot. for S/J and or mot. to dismiss. fld. ho	
6-10	24.	Response of Pltf., Jerry D. Smith, Cross Motion of Summary Judgment of the Defts James Wooley, Geo. Curtis, Wm. Melton, & George Guinn, for Cross Motion of Summary Judgment, filed. b	
6-10	25	Brief of Pltf., Jerry D. Smith, in support of The Response to Deft's James Wooley, George Curtis, Wm. Melton & George Guinn, for Cross motion of Summary Judgment, filed. b	
7-21	MO	Case referred to Mag. Robert S. Rizley for findings and recommendations on motions. (AEB-J)k	
8-9	MO:	Case set for hearing on pending motions before Mag. Rizley on 8-26-77, at 2:30 P.M. (RSR-Mag) b nts by KT	
8-26	Min	Case called for hrg. on pending motions. Parties represented. All motions taken under advisement. Mag. to prepare F&R. (RSR-Mag)k	
9-6	26.	Letter from pltf. counsel filed as additional authorities in support of pltf's position.k	
10-31	27.	Pltf's mot. to withdraw mot. for S/J dated 5-6-77, filed.k	
10-31	28.	Pltf's mot. for leave to file amended pleadings, filed.k	
10-31	MO	It is ordered by the Court that the defts. file a response w/in 10 days to pltf's mot. to withdraw mot. for S/J and mot. for leave to file amended pleadings. (AEB-J)k cps mld	
11-4	29	Defts. Norton, Walker & Wyatt response to Pltfs. mot. to w/draw mot. for S/J and Mot. for leave to file amended pleadings. fld. ho	
11-7	30	Deft. Guin's response to pltf's mot. to w/draw mot. for S/J and mot. for leave to file amended pleadings, filed. lm	
11-11	31	Defts. Curtis, Wooley & Melton, individually response to Pltfs. mot. to w/draw mot. for S/J & mot. for leave to file amended pleadings. fld. ho	
11-11	32	Defts. Curtis, Guinn, Wooley, Melton, Norton, Walker & Byron Wyatt, in their official capacities response to Pltfs. mot. to w/draw mot. for S/J & mot. for leave to file amended pleadings. fld. ho	

BARRON
JUDGE BRETT

DOCKET NO. _____

PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
11-17	MO:	Case set for hearing before Mag. Rizley on 11-28-77, at 11:00 A.M., on pending motions. (RSR-Mag) b nts by KT
11-28	Min	Case called for hrg. before Mag. on pending mots. Pltf. represented. Deft. neither present nor represented. Mag. recommends pltf's mot. to w/draw mot. for S/J and for leave to file amended pleadings be sustained. Mag. to prepare findings & recommendations. (RSR-Mag)k
<u>1978</u>		
3-2	33	Findings & Recommendations of the Mag., filed. Mag. recommends that pltf's mot. to w/draw mot. for S/J and for leave to file amended pleadings should be sustained. (RSR-Mag)k cps mld 0 to J
3-3	34.	Order, filed, that pltf's mots. to w/draw mot. for S/J and leave to file amended compl. are sustained. (AEB-J)k cps mld
4-14	35.	Pltf's appl. for TRO and preliminary injunction, filed.k
4-14	36.	Certificate of Fred H. DeMier in support of appl. for TRO, filed.k
4-14	MO	IT IS ORDERED that pltf's appl. for TRO and preliminary injunction is referred for findings & recommendations to U. S. Mag. Robert Rizley pursuant to M-128 and 28 USC §636 et seq. and is set for hrg. at 11:15 a.m. (AEB-J)k
4-14	Min	Case called for hrg. before Mag. on pltf's appl. for TRO and preliminary injunction. Parties represented. Mag. recommends appl. for TRO be denied. Mag. to prepare F&R. Appl. for preliminary inj. set for further hrg. on 4-18-78 at 2:00 p.m. (RSR-Mag)k
4-18	MO	Pltf. having advised that the appl. for preliminary injunction is moot, hrg. set for 4-18-78 at 2:00 p.m. is stricken. (RSR-Mag)k ntc by KT
5-4	37.	Findings & Recommendations of the Mag., filed. Mag. recommends that pltf's appl. for TRO and preliminary injunction be denied, that defts' mots. for S/J be overruled except deft. Wooley's which should be sustained. (RSR-Mag)k cps mld
5-26	38.	Order, filed, that Pltf's applic. for Temporary restraining order & Prel. Injunction be & is hereby denied; that Defts Curtis ,Norton, Walker, Wyatt & Melton's Motion for S/J be & are hereby overruled & deft Wooley's motion for S/J be & is hereby sustained. (AEB-J)b cps mld
5-26	39.	Judgment, filed & entered, in favor of deft. James Wooley and against Pltf. Jerry D. Smith. (AEB-J)b
6-12	MO	Parties are directed to hold a pre-trial conf. on or before 8-7-78 & file an agreed pre-trial order on or before 8-14-78. (AEB-J)k ntc mld
7-19	40.	Request for continuance of pre-trial.until final decision by Supreme Court of OK in similar case, filed.
7-20	41.	Order, filed, granting request for continuance & Further that case be abated pending decision of Supreme Ct. of OK of case appealed from Dist. Ct. of Ottawa Co., Ok. Further Ordered that parties file a status report each 30 days from this date. (AEB-J)b cps mld
8-28	--	Letter from John R. Wallace filed as status report.k
<u>1979</u>		
3-16	MO	Case transferred to Judge H. Dale Cook. (JCS-Clk)k
11-9	MO:	CASE TRANSFERRED TO JUDGE THOMAS R. BRETT.(JCS-CLK)jc

DC 111A
(Rev. 1/75)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. 76-C-404 Sheet 3, Page 5 XXXXXXXXXXXX
JERRY D. SMITH	GEORGE CURTIS, ET AL.	

DATE	NR.	PROCEEDINGS
1980 Jan. 28	MO:	CASE SET FOR STATUS HEARING ON MARCH 6, 1980, at 11:00 A.M. (TRB-J)v c/m
3/4	MO:	Case stricken from 3/6/80 docket and CASE IS RESET FOR PRETRIAL CONFERENCE ON MAY 9, 1980, at 10:30 A.M. Parties to file Status Reports, either jointly or individually, on or before March 17, 1980. (TRB-J)v c/m -IN MIAMI, OK.
3/25		<i>Status Reports will be in by 3/31/80. There was a misunderstanding by attys. jc</i>
3-28	42.	STATUS REPORT (Joint)jc
5/9	Hrg.	PRE-TRIAL HEARING HELD. Being settled. Parties are granted until 6/1/80 to file settlement papers. (TRB-J)v
7-22	43	MOTION by pltf. to dismiss with prejudice. bs
7-22	--	ORDER as part of motion, dismissing case with prejudice. TRB-J cm bs entered
8-25	--	DEPOSITIONS returned to pltf. counsel. hm
11-3-81		REMAINING EXHBS returned to pltf.a

*6/4 Spoke to Sec. left message re. returned papers. He is 9.00
6-23 Talked w/ Mr. Demie, said Thompson is hold-up.*

*5/27 7M. he messaged. handed
closing papers to 5/27
before end of month.*

*6/27. Told Thompson for 5, said he had written judge a letter
re: Closing.*

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	